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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,698	06/20/2001	Santhana Krishnamachari	US 010296	4263

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

LAMARRE, GUY J

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 02/24/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/885,698

Applicant(s)

KRISHNAMACHARI, SANTHANA

Examiner

Guy J. Lamarre, P.E.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/18/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### FINAL OFFICE ACTION

1. This office action is in response to Applicants' **Amendment** of 12/18/03.
- 1.1 **Claims** 6 and 8 are amended. **Claims 1-16** remain pending.
  - 1.1.1 It is suggested that applicants indicate claim amendments as 'currently amended' and not as 'original,' as reflected on pages 2-3 of Applicants' **Amendment** of 12/18/03
- 1.2 The **prior art** rejections to **Claims 1-16** of record are maintained in response to Applicants' **Amendment** of 12/18/03.
- 1.3 The rejections of record under the 1st **paragraph of 35 U.S.C. 112** are withdrawn in response to Applicants' **amendment** of 12/18/03.
- 1.4 The objections of record to the **Claims** are withdrawn in response to Applicants' amendment of 12/18/03.

### Response to Arguments

2. Applicants' arguments of 12/18/03 have been fully considered, but are not persuasive.

### REMARKS

- 2.1 In response to Claim 1, Applicants allege, on page 6 penultimate para., that it is acknowledged that **Tanaka** does not disclose error protection insertion: **Examiner** disagrees and notes that **Tanaka** does disclose error protection insertion in col. (page) 3 lines 43-45 as indicated in the last office action on 1<sup>st</sup> para. of page 4 at line 2.

Such error protection insertion is also clearly disclosed, as depicted in, e.g., Fig. 5, and page 3 lines 43-45, wherein plural types (or sets) of data (or multimedia data) comprising: video, audio, text, etc., originating from plural multimedia sources in binary form.

Digressing temporarily for clarification, **Examiner** notes that multimedia sources comprise data processors, such as analog-to-digital converters, configured to convert analog signals into digital form of zeros and ones for better manipulation by digital signal processors

Art Unit: 2133

and computer means which can only read zeros and ones. The analog signals emanate from scenes comprising images (recorded via a camera lens), sounds (recorded via a microphone) and text. Those of ordinary skill in data communications will recognize and appreciate that images, sounds and text require respectively different number of bits for digital representation with images in digital form required the most bits, sound in digital form coming 2<sup>nd</sup>, and text requiring the least number of bits in digital form. Incidentally, Tanaka does provide accommodation for such representation of different number of bits in, e.g., Fig. 13A wherein voice, data and image occupy fields of dissimilar sizes on the data packet. Refer also to **Tanaka's** para. 2 wherein the length of the packet is varying function of information content of each media.

Returning now to error protection insertion, **Examiner** notes that the said plural types (or sets) of data (or multimedia data) are partitioned into plural 1<sup>st</sup> individual subsets of video, plural 2<sup>nd</sup> individual subsets of audio, plural 3<sup>d</sup> individual subsets of text...

The individual subsets undergo a packaging or 'packetization' process wherein, as a design choice, units of said subsets are congregated to be inserted into plural fields of a MUX packet as illustrated in, e.g., Fig. 5. Fig. 5 comprises additional fields, two of which being reserved for error detection/correction insertion therein to provide for forward error protection capability, as indicated in paras. 16-17 by Tanaka.

In other words, while it is acknowledged that **Tanaka** refers to fields as, e.g., 'positions or position relation,' (page 3 lines 29, 17) or by inference such as 'insertion into one packet' (page 3 line 29) and directly as fields (para. 5), **Tanaka** does disclose error protection and information/multimedia insertion means into plural fields of a packet as claimed.

**2.2** In response to Claim 2, Applicants allege, on page 7 last para., that the prior art does not teach field size as a function or proportion of size of each of plural media streams. Examiner

Art Unit: 2133

disagrees and notes that **Tanaka** does disclose that packet size is a function of information content, e.g., in para. 8, as also seen in Fig. 13A.

**2.3** In response to Claims **10 and 14** & Claims 6 and 8, Applicants allege, on page 8, that the prior art does not teach that each discrete packet includes a data segment from each of the media streams and that a size of each of packet is a function or proportion of size of each of the plural media streams. **Examiner** disagrees and notes that **Tanaka** does disclose that packet size is a function of information content, e.g., in para. 8, as also seen in Fig. 13A. Fig. 25 depicts voice/image/data on a discrete packet with bit representation as different A1, A2, and A3 in para. 98.

**2.4** To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references which were not used in the prior office action, this does not constitute new a new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant. See *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

The mere fact that additional portions of the same reference may have been mentioned or relied upon does not constitute new ground of rejection. *In re Meinhardt*, 392, F.2d 273, 280, 157 USPQ 270, 275 (CCPA 1968).

**Examiner** thus maintains that Claims **1-16** are unpatentable over the prior art of record.

### **Conclusion**

**3.1** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**3.2 THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2133

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**3.3** Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

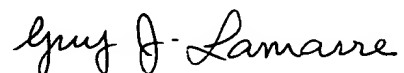
**or faxed to:** (703) 872-9306 for formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached on (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Guy J. Lamarre, P.E.  
Patent Examiner  
2/12/04

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